

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney
Attorney for Plaintiff

FILED

2008 OCT -9 A 10: 16

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JW

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT SCOTT WEST,
Defendant.

CR-08 00709
No.

VIOLATIONS: 18 U.S.C. § 1832(a)(3) -
Possession of Stolen Trade Secrets; 18
U.S.C. § 1834 - Criminal Forfeiture

SAN JOSE VENUE

RS

INFORMATION

The United States Attorney charges:

Introduction

1. At all times relevant to this Indictment:

a. Phillips Lumileds Lighting Company ("Phillips") is a San Jose, California-based limited liability company in the business of designing and manufacturing light emitting diodes ("LED's"), which may be used for computer displays, liquid crystal display ("LCD") televisions and general lighting. Phillips also supplies LED materials and packaging to third parties.

b. One of Phillips' primary products was the Luxeon Rebel line of LED's.

2. In or about March 2000, Phillips hired defendant ROBERT SCOTT WEST

U.S. v. WEST
INFORMATION

DOCUMENT NO.	CSA's INITIALS
1 e	
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 as a Product Development Manager. In or about April 2007, WEST was promoted to Senior
2 Product Manager at Phillips, where he was responsible for the development of Phillips' new
3 products, manufacturing plans, and product roadmaps. Phillips provided WEST with a Dell
4 Latitude laptop and an eighty (80) gigabyte CMS USB hard drive during his employment.

5 3. On or about October 15, 2007, WEST accepted an offer of employment with
6 Bridgelux, Inc., a competitor of Phillips in the design and manufacture of LED's. On or about
7 October 19, 2007, WEST resigned from his position with Phillips. In or about November 2007,
8 WEST began working for Bridgelux.

9 4. After he had resigned from Phillips, WEST continued to possess Phillips'
10 confidential, proprietary information) on a Western Digital 80 gigabyte hard drive, serial no.
11 WXC807096762, a Compaq 6510B laptop computer, serial no. CNU7342MOQ and a Seagate
12 Free Agent hard drive, serial no. 5LZ2HE6T.

13 COUNT ONE: (18 U.S.C. § 1832(a)(3) – Possession of Stolen Trade Secrets)

14 5. Paragraphs One through Four are realleged and incorporated as if fully set forth
15 here and in Count One set forth below

16 6. In or about February 2008, in the Northern District of California and elsewhere,
17 the defendant

18 ROBERT SCOTT WEST,

19 with intent to convert a trade secret specifically, the architecture and product specifications for
20 Phillips' next generation Luxeon Rebel surface mountable power LED, to the economic benefit
21 of someone other than the owner thereof, where such trade secret was related to and included in a
22 product that was produced for and placed in interstate and foreign commerce, possessed such
23 information, knowing that such information to have been stolen and appropriated, obtained, and
24 converted without authorization, and intending and knowing that his possession and theft would
25 injure Phillips.

26 All in violation of Title 18, United States Code, Section 1832(a)(3).

27 FORFEITURE ALLEGATIONS: (18 U.S.C. § 1834 - Criminal Forfeiture)

28 7. The factual allegations contained in Paragraphs One through Six of this

Information are realleged and incorporated herein.

8. Upon conviction of the offenses alleged in Count One, the defendant

ROBERT SCOTT WEST

shall forfeit to the United States any property used, or intended to be used, in any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violation, including but not limited to the following property:

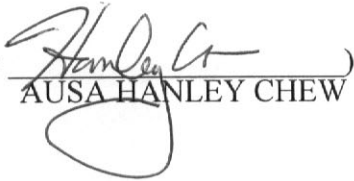
- a. Compaq 6510B laptop computer, serial no. CNU7342MOQ;
- b. Western Digital 80 gigabyte hard drive, serial no. WXC807096762; and
- c. Seagate Free Agent hard drive, serial no. 5LZ2HE6T.

All in violation of Title 18, United States Code, Section 1834.

Dated: 10/7/08

JOSEPH P. RUSSONIELLO
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Office

(Approved as to form: )

AUSA HANLEY CHEW

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. 1832(a)(3) - Possession of Stolen Trade Secrets

18 U.S.C. 1834 - Criminal Forfeiture

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

E-filing

PENALTY:
 10 year term of imprisonment
 \$250,000 or twice the amount involved in the offense
 3 year period of supervised release
 \$100 mandatory special assessment
PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 FBI Special Agent Ron Umbel

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person
 Furnishing Information on
 THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Hanley Chew

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S. \$000 OCT -9 A 10:16

 ROBERT SCOTT WEST
 RICHARD W. WICKING
 CLERK
 DISTRICT COURT NUMBER
 NO. DIST. OF CA. S.J.

CR-08 00709

DEFENDANT**IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
- 1) ☒ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

 Robert Scott West c/o
 Paul Meltzer, Esq.
 511 Water Street
 Santa Cruz, California 95060

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: December 4, 2008/9:30 am

Before Judge: Richard Seeborg

Comments: